

# Notice of Allowability

Application No.

10/709,110

Examiner

Jimmy T. Nguyen

Applicant(s)

WIEDEL, JOHN

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 1/11/08.
2. ☒ The allowed claim(s) is/are 11,12,14-18 and 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

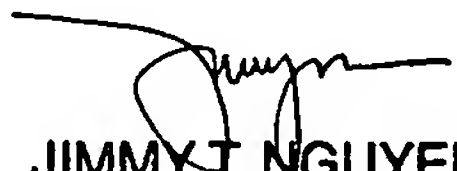
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

  
JIMMY T. NGUYEN  
PRIMARY EXAMINER

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Andrew Colombo on January 22, 2007.

The application has been amended as follows:

**In claim 11, line 14:**

The words "said operator bodies each" have been changed to -- each of said operator bodies --.

**In claim 11, line 20:**

The words "said interacting element" have been changed to -- each of said interacting elements --.

**In claim 15, line 16:**

The words "said operator bodies each" have been changed to -- each of said operator bodies --.

**In claim 15, line 22:**

The words "said interacting element" have been changed to -- each of said interacting elements --.

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***Oath/Declaration***

The oath or declaration filed April 14, 2004 is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It fails to comply with 37 CFR 1.63(b) in that rather than state the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56, the declaration reflects a “duty to discloses information of which material to patentability ... as defined in Title 37, Code of Federal Regulation, 1.56 (a).” *Emphasis added*. The applicant agreed to resubmit a new Oath/Declaration with a correction of the deficiency as set forth above.

***Allowable Subject Matter***

Claims 11, 12, 14-18 and 24 are allowed.

The following is an examiner’s statement of reasons for allowance:

With regard to claims 11 and 15, the claims are allowed because the art of record, considered alone or in combination, neither anticipates nor renders obvious a knotting assembly having .. operator assembly including a pivotal shaft assembly and *elongated bodies, each of said operator bodies projecting radially from and being fixed to the shaft assembly such that rotation movement of the shaft assembly causes the operator bodies to swing about a shaft axis, each of said operator bodies including an interacting element associated therewith, each of said interacting elements being drivingly connected to a respective one of the gripper, knoter, cutting*

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*element, and cover wherein swinging of the operator bodies in the single direction effects said time operation*, in combination with the rest of their respective claimed limitations.

Brouse '436 discloses a knotting assembly. But the knotting assembly is operated by two drive assemblies (38 and 102). Therefore, this reference fails to disclose a single drive assembly coupled to the operator assembly for effecting the timed operation.

Brouse '359 also fails to disclose a single drive assembly.

Brouse '554 discloses the operator bodies are operated in two directions for knotting, cutting, and ejecting of the wire (col. 5, lines 30-40). Therefore, this reference fails to disclose the shaft assembly affecting the timed operation by rotating in a single direction about a shaft axis.

Additionally, none of the above references discloses elongated bodies projecting radially from and being fixed to the shaft assembly such that rotation movement of the shaft assembly causes the operator bodies to swing about a shaft axis, and an interacting element associated with each of the operator assemblies. Therefore, it is concluded by the Examiner that claims 11 and 15 and their dependents are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520.

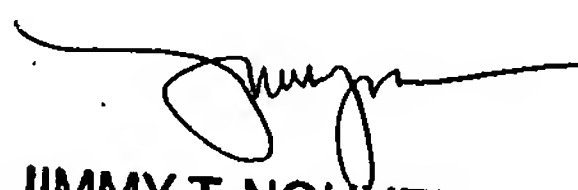
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The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen  
January 22, 2008



JIMMY T. NGUYEN  
PRIMARY EXAMINER